label was false and misleading since each of the ampuls contained a less amount; (2) in that it was not packaged as prescribed in the National Formulary, since the glass used for the ampuls did not pass the test for solubility and reaction required by that compendium; and (3) in that the ampuls did not contain the excess volume (0.5 cc.) which the National Formulary requires should be measured into ampuls purporting to contain a 10-cc. dose of a mobile solution. One of the shipments was alleged to be adulterated in that it fell below the standard set forth in the National Formulary, since it contained an excess of oxidizable substances, and this fact was not plainly stated on its label.

On October 26, 1942, a plea of guilty having been entered, the court imposed a fine of $100 on each of the 5 counts in the information.

863. Adulteration and misbranding of tincture of iron and elixir of iron, quinine and strychnine. U. S. v. L. Perrigo Company. Plea of nolo contendere. Fine, $150. (F. D. C. No. 7699. Sample Nos. 47545–E, 47547–E, 66255–E.)

On November 13, 1942, the United States attorney for the Western District of Michigan filed an information against L. Perrigo Co., a corporation, Allegan, Mich., alleging shipment of quantities of the above-named products on or about March 6 and May 2, 1941, from the State of Michigan into the State of Indiana.

The United States Pharmacopoeia provides that tincture of iron shall contain an amount of ferric chloride corresponding to not less than 4.5 grams of iron. Analysis of a sample of Tincture Iron U. S. P. showed that it contained an amount of ferric chloride corresponding to not more than 3.15 grams of iron per 100 cc. The article was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, and its strength differed from and its quality fell below the standard set forth in that compendium as the drug contained ferric chloride corresponding to not more than 3.15 grams of iron per 100 cc. It was alleged to be misbranded in that the statement, "Tincture Iron U. S. P.," appearing on the label was false and misleading when applied to a drug which did not conform to the requirements of the United States Pharmacopoeia.

A drug compounded in accordance with the formula for elixir of iron, quinine and strychnine set forth in the National Formulary must contain an amount of ferric citrochloride equivalent to not less than 5.60 grams of iron per 1,000 cc., and must contain not less than 8 grams of quinine hydrochloride per 1,000 cc. Examination of a sample from each of 2 shipments of Elixir Iron, Quinine and Strychnine, N. F., showed that the article in one shipment contained an amount of ferric citrochloride equivalent to not more than 2.80 grams of iron per 1,000 cc., and not more than 4.90 grams of quinine hydrochloride per 1,000 cc. A sample from the second shipment contained not less than 9.5 grams of quinine hydrochloride per 1,000 cc. The article was alleged to be adulterated in that it purported to be and was represented as a product recognized in the National Formulary and its strength differed from and its quality fell below the standard set forth in such compendium. It was alleged to be misbranded in that the statement, "Elixir Iron, Quinine and Strychnine, N. F.," appearing on the label was false and misleading when applied to an article which did not conform to the requirements of the National Formulary.

On November 30, 1942, a plea of nolo contendere having been entered, the court found the defendant guilty and assessed a fine of $25 on each count, or a total of $150.

864. Adulteration and misbranding of Real's Antiseptic Medicated Skin Cream, aromatic spirit of ammonia, and sweet spirit of nitre. U. S. v. Baker Drug Corp. Plea of guilty. Imposition of sentence suspended for 3 years on condition that the defendant would not violate the Food, Drug, and Cosmetic Act and would pay a fine of $200 under the Probation Statute. (F. D. C. No. 7746. Sample Nos. 78865–E, 87895–E, 87896–E.)

On November 18, 1942, the United States attorney for the Eastern District of Virginia filed an information against the Baker Drug Corporation, Norfolk, Va., alleging shipment of quantities of the above-named products on or about February 12 and March 21, 1942, from the State of Virginia into the States of Pennsylvania and North Carolina. The former shipment was made in the name of Jos. Friedberg.

Analysis of a sample of Real's Antiseptic Medicated Skin Cream showed the product to consist essentially of small proportions of potassium hydroxide, volatile oils, including menthol, eucalyptol, and oil of bergamont, and a trace of phenol, incorporated in a base of stearic acid, petrolatum, and beeswax. Bacteriological examination showed the article to be devoid of antiseptic properties.

The article was alleged to be adulterated in that it was represented as an antiseptic and its strength differed from and its quality fell below that which it purported and was represented to possess, since it was not antiseptic. It was alleged to be misbranded in that the statement, "Antiseptic," borne on the labeling was false and misleading since the drug was not an antiseptic.

Examination of a sample of aromatic spirit of ammonia showed that the product did not conform to the specifications in the United States Pharmacopoeia in that there was a very material excess of ammonia. The article was alleged to be adulterated in that it purported and was represented to be a drug the name of which is recognized in the United States Pharmacopoeia, and its strength differed from the standard set forth in that compendium, since it contained not less than 2.95 grams of total ammonia in each 100 cc. and not more than 58.2 percent of alcohol, whereas the United States Pharmacopoeia provides that aromatic spirit of ammonia shall contain not more than 2.1 grams of total ammonia in each 100 cc. and not less than 62 percent of alcohol by volume. The article was alleged to be misbranded in that the name and address of the manufacturer appearing on the label was not placed with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; it was in very small type and, in some instances, illegible.

Analysis of a sample of sweet spirit of nitre showed that the product did not conform to the specifications in the United States Pharmacopoeia in that there were varying shortages of ethyl nitrite in the various units examined. The article was adulterated in that it purported and was represented to be a drug recognized in the United States Pharmacopoeia, and its strength differed from the standard set forth in that compendium since it contained ethyl nitrite in amounts ranging from 0.77 to 2.09 percent, and its specific gravity was 0.8347 at 25° Centigrade, whereas the United States Pharmacopoeia provides that sweet spirit of nitre shall contain not less than 3.5 percent of ethyl nitrite, and that its specific gravity shall be not more than 0.823 at 25° Centigrade.

It was alleged to be misbranded in that the name and address of the manufacturer was inconspicuously placed on the label; it was in very small type and, in some instances, illegible.

On November 30, 1942, after a plea of guilty was entered, the court suspended the imposition of sentence for a period of 3 years, upon the condition that the defendant would not violate the Food, Drug, and Cosmetic Act and would pay a fine of $200 under the probation statute.

865. Adulteration and misbranding of medical carbon dioxide and medical carbon dioxide and oxygen mixture. U. S. v. The Liquid Carbonic Corporation (Wall Chemicals Division of the Liquid Carbonic Corporation). Plea of guilty. Fine, $200. (F. D. C. No. 7705. Sample Nos. 91275-E, 91276-E.)

On October 15, 1942, the United States attorney for the Northern District of Illinois filed an information against the Liquid Carbonic Corporation, trading at Chicago, Ill., under the name of the Wall Chemicals Division of the Liquid Carbonic Corporation, alleging shipment on or about March 12 and April 2, 1942, of quantities of the above-named products from the State of Illinois into the State of Wisconsin.

The medical carbon dioxide was alleged to be adulterated (1) in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia, and its quality and purity fell below the standard set forth in that compendium since it had a pronounced odor, whereas carbon dioxide, which conforms with the description and possesses the physical properties set forth in the United States Pharmacopoeia, is an odorless gas; and (2) in that a substance, nitric oxide, had been mixed with it so as to reduce its quality.

It was alleged to be misbranded in that the statements, "The purity of the contents of this cylinder has been determined and recorded. It conforms to the approved specifications for this gas * * *," appearing on the tag, were false and misleading since it contained an impurity, nitric oxide, and did not conform to the approved specifications for carbon dioxide gas.

The carbon dioxide and oxygen mixture was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess, since it was represented to contain 5 percent of carbon dioxide, whereas it contained not more than 3 percent of carbon dioxide.